



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: June 12, 2007

COUNCIL DISTRICT: 6
SNI AREA: N/A

SUBJECT: PDC06-064. Planned Development Rezoning from the CG Commercial General Zoning District to the A(PD) Planned Development District to allow approximately 44,000 square feet of commercial uses (Whole Foods Market) on a 2.19 gross acres site.

RECOMMENDATION

The Planning Commission voted 6-0-1, to recommend that the City Council approve the proposed Planned Development Rezoning from the CG – Commercial General Zoning District to the A(PD) Planned Development District to allow approximately 44,000 square feet of commercial uses on a 2.19 gross acres site.

OUTCOME

Should the City Council approve the Planned Development Rezoning, up to 44,000 square feet of commercial uses may be built on the subject 2.19 gross acre site, consistent with the development standards for the subject rezoning. This future development would be subject to a Planned Development Permit

BACKGROUND

On June 11, 2007, the Planning Commission held a public hearing to consider a Planned Development Rezoning from the CG – Commercial General Zoning District to the A(PD) Planned Development Zoning District to allow approximately 44,000 square feet of commercial use on a 2.19 gross-acre site.

The item was approved on consent.

ANALYSIS

The subject site and several adjoining parcels, totaling approximately 7 acres, generally bounded by Stockton Avenue, West Julian Street, The Alameda, and Rhodes Court, were the subject of a General Plan Amendment (File No. GP00-06-09), in 2000. That amendment changed the Land Use/Transportation Diagram designation from General Commercial to Mixed Use with No Underlying Land Use Designation. The use mix and intensity range identified with that amendment are: Medium High Density Residential (12-25 DU/AC) for between 0 and 144 dwelling units; and, General Commercial on up to 7 acres.

The proposed commercial use (supermarket) is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Mixed Use with No Underlying Land Use Designation and the above noted use mix and intensity range. The proposed commercial development on the subject 2.19 acre site allows the remaining properties of approximately 5.8 acres with the Mixed Use with No Underlying Land Use Designation the flexibility to develop as residential, commercial or mixed use.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST

- ☐ **Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- ☐ **Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- ☐ **Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30; Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1000 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

A Community Meeting was held for the project on August 30, 2006. Approximately 40 neighbors and interested members of the public attended the community meeting. Input was extremely positive. Community members shared some of Planning staff's concerns about screening/security for the proposed loading dock and the desire to retain the proposed building entrances in all locations. Planning is working with the applicant at the Planned Development Permit stage on these issues.

HONORABLE MAYOR AND CITY COUNCIL

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COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

CEQA

CEQA: Mitigated Negative Declaration, PDC06-064


JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Susan Walton at 408-535-7800.

cc: Charles H. Sabes, Alameda/Stockton, LLC, 333 W. Santa Clara St., Suite 900, San José, CA 95113
Scott Bean, Whole Foods Market, 5980 Horton St., Suite 200, Emeryville, CA 94608
Dennis R. Dornan, Field Paoli Architects, 150 California St., San Francisco, CA 94111

CITY OF SAN JOSE, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, California 95113

COUNCIL AGENDA: 06-19-07

Hearing Date/Agenda Number

ITEM: 11.1(e)

P.C. 06-11-07

Item: J.A.

File Number PDC06-064

Application Type
Planned Development Rezoning

Council District
6

Planning Area
Central

Assessor's Parcel Number(s)
261-01-098

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Hadasa Lev

Location: Northwest corner of The Alameda and Stockton Avenue

Gross Acreage: 2.19

Net Acreage: 2.19

Net Density: N/A

Existing Zoning: CG – Commercial General

Proposed Zoning: A(PD) Planned Development Proposed Use: An approx. 44,000 square foot commercial use (supermarket)

GENERAL PLAN

Completed by: HL

Land Use/Transportation Diagram Designation
Mixed Use with No Underlying Land Use Designation
w/Neighborhood Business overlay

Project Conformance:
☒ Yes ☐ No
☒ See Analysis and Recommendations

ROUNDING LAND USES AND ZONING

Completed by: HL

North: Office

A(PD) Planned Development

East: Industrial

Heavy Industrial and Light Industrial

South: Multi-Family Residential and Mixed Use

A(PD) Planned Development

West: Commercial

CG – Commercial General

ENVIRONMENTAL STATUS

Completed by: HL

☐ Environmental Impact Report
☒ Negative Declaration circulated on May 4, 2007
☐ Negative Declaration adopted on

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: HL

Annexation Title: College Park/Burbank Sunol

Date: 12/08/1925

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval
☐ Approval with Conditions
☐ Denial
☐ Uphold Director's Decision

Date:

June 4, 2007

Approved by:

Susan Walton

☐ Action
☒ Recommendation

APPLICANT/OWNER

Alameda/Stockton, LLC
tn: Charles H. Sabes
533 W. Santa Clara St., Suite 900
San Jose, CA 95113

DEVELOPER

Whole Foods Market
Attn: Scott Bean
5980 Horton St., Suite 200
Emeryville, CA 94608

ARCHITECT

Field Paoli Architects
Attn: Dennis R. Dornan
150 California St.
San Francisco, CA 94111

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Hadasa Lev

Department of Public Works

See attached memorandum dated, 05/24/07 and 05/29/07

Other Departments and Agencies

See attached memorandum from the Environmental Services Department dated, 06/29/06, and the Fire Department dated, 06/27/06.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Alameda/Stockton, LLC, is proposing to rezone the subject 2.19 gross acre site from the CG – Commercial General Zoning District to the A(PD) Planned Development Zoning District, to allow the construction of an approximately 44,000 square foot commercial use. The project, filed on June 12, 2006, is being processed as a Planned Development Zoning because at the time of submittal, the proposed project did not meet the City's Zoning Code parking standards. However, since that time, the parking standards have changed for projects located within Neighborhood Business Districts. The project as now proposed exceeds the current standards (see Analysis section below) and could potentially be implemented under the CP Commercial Pedestrian Zoning district. However, since the project was already submitted as a Planned Development Zoning and the environmental document almost completed by the time the current parking standards were adopted, staff believed it would be more expeditious to continue with the application on file rather than ask the applicant to withdraw the application and submit Conforming Rezoning and Conditional Use Permit applications.

Existing Site Conditions and Context

The project site is located within a highly urbanized, primarily commercial and industrial area of central San José at the northwest corner of the intersection of The Alameda and Stockton Avenue. The project site is currently occupied with five vacant commercial buildings. The site is bounded by Clinton Place to the north, Stockton Avenue to the east, The Alameda to the south, and is adjacent to commercial uses to the west. The nearest residential uses are located on the south side of The Alameda in a newly constructed high-density residential development. Industrial and commercial uses are located to the north, east, and west of the project site. Union Pacific Railroad and Caltrain tracks are located east of the project site, with the San José Diridon Caltrain/ACE/Amtrak Station located approximately 650 feet southeast of the site. Landscaping trees and shrubs are located throughout the site and within the parking strips on the eastern and southern boundaries of the site.

Project description

The proposed project consists of the construction of an approximately 44,000 square foot retail commercial building (Whole Foods market) and associated parking on the 2.19 gross acre site. The building is proposed to be located on the southern portion of the site, and parking is proposed in a surface lot on the northern side of

the site, as well as on the roof of the proposed building. The project includes driveways and parking, as shown on the attached Conceptual Site Plan.

Construction of the project would require the demolition of five structures and the removal of approximately 43 trees on the site. The proposed project may include minor improvements along The Alameda, a State transportation facility (State Route 82). Therefore, an encroachment permit may be required from Caltrans.

Proposed Building - The location of the building is proposed on the southern portion of the site near the northwest corner of the intersection of The Alameda and Stockton Avenue. The approximately 44,000 square foot building would have two customer entrances; the main entrance is proposed on The Alameda, and the secondary entrance on the northern side of the building adjacent to the parking lot near Stockton Avenue. Outdoor seating is proposed at the entrance on The Alameda and Stockton Avenue. Store operating hours are proposed from 8 a.m. to 10 p.m., seven days a week. The maximum height of the proposed market building is approximately 40 feet. Truck access to the building is proposed via a loading dock on the northern side of the building as shown on the Conceptual First Floor Plan.

Parking and Circulation - Approximately 100 surface parking spaces are proposed in the northern portion of the site and approximately 95 spaces are proposed on the roof of the building, for a total of 195 spaces. Access to the surface parking lot is proposed from two full-access driveways; one on Stockton Avenue and one on Clinton Place. Vehicle access to the roof-top parking would be by way of a ramp from the surface parking lot, as shown on the Conceptual Roof Plan. Access between the interior of the building and the roof-top parking is proposed from one elevator and two flights of stairs. The elevator and one flight of stairs are proposed in the northern portion near the secondary entrance, while the other flight of stairs would be located on the southwest side of the building.

A truck loading dock is proposed on the northern side of the proposed market building. Large trucks (65 feet or longer) would enter and exit the site from the driveway on Stockton Avenue. Smaller trucks could use either the Stockton Avenue entrance or the entrance on Clinton Place, which connects to Stockton Avenue near the northern corner of the site. It is anticipated that large semi-trucks would arrive at the site as early as 6 a.m., although smaller delivery trucks could access the site throughout the day.

Landscaping, Grading, and Drainage - Landscaping is proposed as shown on the Conceptual Landscape Plan and includes planting trees within the proposed surface parking lot and within the park strip along Stockton Avenue. All trees to be planted within the park strip would be coordinated with the City arborist as to species and location. The proposed project site would not require substantial grading prior to construction to achieve positive drainage, and the project does not propose any underground facilities. The southeast corner of the site is located within the 100-year floodplain. Therefore, the southeast corner of the proposed structure would be constructed so that the finished floor elevation would be constructed one foot above the highest adjacent grade, or one foot above the highest top of curb fronting the property.

The proposed project includes construction and implementation of a Stormwater Control Plan for the treatment of stormwater on-site prior to outfall to the City's storm drainage system. Mechanisms to be employed would include the use of appropriately sized mechanical treatment facilities including media filters, in accordance with the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and San José City Council Policies 6-29 and 8-14.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed in the *Whole Foods Market: San Jose Project, PDC06-064* Initial Study and Mitigated Negative Declaration circulated on May 4, 2007.

This Initial Study analyzed the proposed project and its environmental setting, identified potentially significant environmental impacts, and proposed mitigation measures to reduce significant impacts to less than significant levels, for the following issues: biological resources (nesting raptors and trees); and hazardous materials.

If the proposed rezoning is approved, Planning staff will work with the applicant at the Planned Development (PD) Permit stage to ensure all required mitigation is incorporated into the project.

GENERAL PLAN CONFORMANCE

The subject site and several adjoining parcels, totaling approximately 7 acres, generally bounded by Stockton Avenue, West Julian Street, The Alameda, and Rhodes Court, were the subject of a General Plan Amendment (File No. GP00-06-09), in 2000. That amendment changed the Land Use/Transportation Diagram designation from General Commercial to Mixed Use with No Underlying Land Use Designation. The use mix and intensity range identified with that amendment are: Medium High Density Residential (12-25 DU/AC) for between 0 and 144 dwelling units; and, General Commercial on up to 7 acres.

The proposed commercial use (supermarket) is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Mixed Use with No Underlying Land Use Designation and the above noted use mix and intensity range. The proposed commercial development on the subject 2.19 acre site allows the remaining properties of approximately 5.8 acres with the Mixed Use with No Underlying Land Use Designation the flexibility to develop as residential, commercial or mixed use.

The General Plan's Major Strategy for Economic Development strives to make San Jose a more balanced community by encouraging more commercial and industrial growth. The Plan recognizes that the success of other major strategies depends on the success of this strategy. The proposed redevelopment of an underutilized Industrial site to accommodate a new Whole Foods market furthers this strategy and is consistent with General Plan Economic Development Goals which specifies that the City should seek to attract a diverse mixture of businesses that are particularly suited to the area and can provide jobs for the City's unemployed and under-employed labor force. The proposed project also supports the General Plan's Growth Management Major Strategy by locating new commercial development on an underutilized site within the City's Urban Service Area where existing urban services are available.

PUBLIC OUTREACH

A notice of the public hearing was distributed to owners and tenants of all properties located within 1000 feet of the project location. This staff report was made available on the City's website prior to the hearing. Signage has been posted at the site to inform the public about the proposed change. Staff has been available to discuss the project with interested members of the public. A Community Meeting was held for the project on August 30, 2006. Approximately 40 neighbors and interested members of the public attended the community meeting. Input was extremely positive. Community members shared some of Planning staff's concerns about screening/security for the proposed loading dock and the desire to retain the proposed building entrances in all locations. Planning is working with the applicant at the Planned Development Permit stage on these issues.

ANALYSIS

The primary issues associated with this proposal are land use compatibility, site design, architecture, and parking

Land Use Compatibility and Site Design

The conceptual site design with the building oriented toward The Alameda and Stockton Avenue and parking provided at the rear and top of the proposed building facilitates an attractive interface with the street frontages and is compatible with existing development in the surrounding area.

The Draft Development Standards (attached) as proposed would allow for uses and development standards of the CP Commercial Pedestrian Zoning District. Staff believes that this designation is compatible with development in the commercial and industrial zoning designations at the rear of the site and across Stockton Avenue, and the mix of zoning across The Alameda. The site design takes into account the different interfaces by orienting the building to the corner of Stockton Avenue and The Alameda where pedestrian activity has the most potential to occur. The proposed interface with The Alameda, which has a mix of commercial, industrial, and residential zoning designation, is designed to encourage pedestrian activity by including an outdoor dining area and front entrance. Staff believes the proposed frontage is compatible with uses across the street and would create a positive addition to this neighborhood.

Parking and loading uses are oriented away from residential uses on The Alameda creating an aesthetic buffer and protecting these areas from potential noise generated from these uses. The proposed parking on top of the building is an efficient use of space on the site enabling more building frontage along the street.

Architecture

Staff believes that the conceptual building elevations attached have a lot of potential in creating an attractive building that is conducive to a pedestrian environment. The elevations facing The Alameda and Stockton Avenue are well articulated and demonstrate a complex use of materials, abundant use of transparent windows, as well as a relief of shade and shadow that will make the building interesting to pedestrians and motorists alike. Although some concern has been voiced by the community regarding the modern style of architecture proposed, staff believes that it is compatible with adjacent buildings in this specific location which has a variety of styles and uses. Staff is working with the applicant on the Planned Development Permit submittal (File No. PD07-039) on the details of the architecture.

Parking

The conceptual site plan indicates that parking for the project will be provided by a surface parking lot in the northern portion of the site in addition to parking on the roof of the building. A total of 196 parking spaces are proposed to serve the project, resulting in a parking ratio of 1 space per 191 net square feet.

Typically commercial uses are required to provide one (1) parking space per 200 net square feet of the proposed use. The subject site is located within The Alameda Neighborhood Business District. The parking standards for projects located within Neighborhood Business Districts has recently changed and is now one space for every 400 square feet of floor area for commercial uses located on the first floor. Under these standards the project greatly exceeds the parking requirement and is providing approximately twice the number of spaces required, and close to the usual retail parking ratio.

Staff will work with the applicant at the Planned Development Permit stage to ensure that on-site parking remains adequate and meets design requirements.

Conclusion

Based on the above analysis, staff concludes that the proposed project provides an opportunity to further important goals and strategies of the General Plan that the project is compatible with the surrounding neighborhood, and that on-site parking is more than adequate to serve the proposed use.

Staff will continue to work with the applicant during the Planned Development Permit (File No. PD07-039) and Public Works Clearance processes to refine the details of site, landscaping, and architecture designs, and to address Public Works issues (see attached memorandum).

RECOMMENDATION

Planning staff recommends approval of the subject Planned Development Rezoning for the following reasons:

1. The proposed project conforms to the site's General Plan Land Use/Transportation Diagram designation of Mixed Use with No Underlying Land Use Designation with the Neighborhood Business District overlay.
2. The project is compatible with existing and proposed land uses in the area.
3. The project is in substantial conformance with the Commercial Design Guidelines.

Attachments:

Location Map

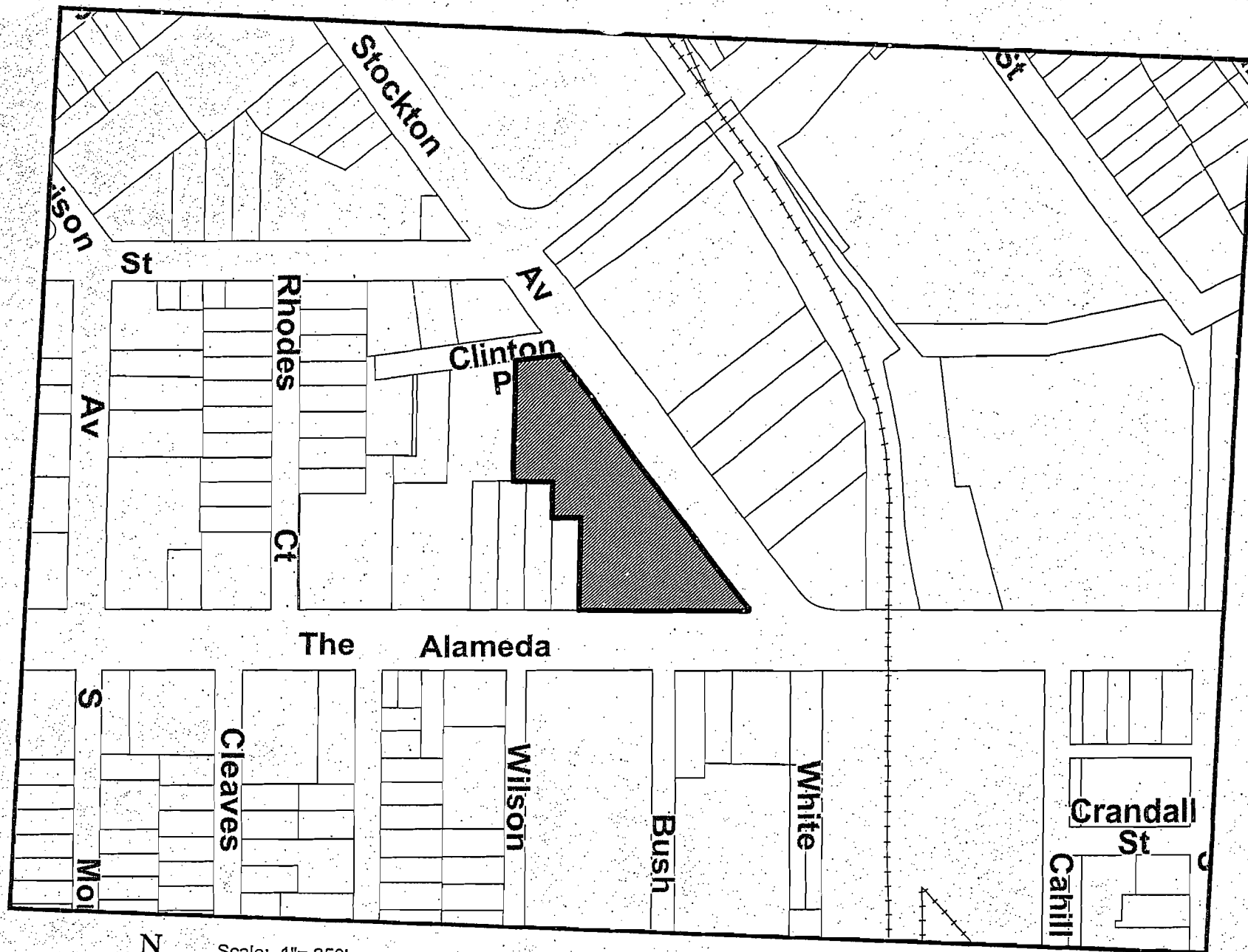
Draft Development Standards

Public Works Memorandum

Fire Department Memorandum

Environmental Services Memorandum

Correspondence



Scale: 1"= 250'
Noticing Radius: 500 feet

Map Created On:
06/12/2006

File No: PDC06-064

District: 6

Quad No: 83

**PLANNED DEVELOPMENT ZONING PDC06-064
DEVELOPMENT STANDARDS**

I. LAND USE

Permitted Uses:

Permitted and conditional uses of the CP Commercial Pedestrian Zoning District of Title 20 of San Jose Municipal Code, as amended.

II. DEVELOPMENT STANDARDS

Note: Where these development standards conflict with other information included on the Land Use Diagram, these standards shall take precedence.

Development Standards of the CP Commercial Pedestrian Zoning District including all applicable exceptions of the Commercial Zoning District of Title 20 of San Jose Municipal Code, as amended.

III. GENERAL NOTES

Water Pollution Control Plant Notice

Pursuant to part 2.75 of chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on the San Jose – Santa Clara water plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose – Santa Clara water pollution control plant to treat such sewage adequately and within the discharge standards imposed on the city by the state of California regional water control board for the San Francisco Bay region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

Tree Replacement - Trees removed shall be replaced at the following ratios:

TREE REPLACEMENT REQUIREMENTS		
Diameter of Tree to be Removed	Type of Tree to be Removed	Minimum Size of each Replacement Tree
	Non-Native	
18 inches or greater	4:1	24-inch box
12 - 17 inches	2:1	24-inch box
less than 12 inches	1:1	15-gallon container
Notes: x:x = tree replacement to tree removal ratio.		
Trees greater than 18 inches in diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.		

- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the City's Environmental Principal Planner, at the development permit stage:
 - The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
 - An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools, or installation of trees on adjacent properties for screening purposes.
 - A donation of \$300 per mitigation tree to *Our City Forest* for in-lieu off-site tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the City's Planning Project Manager prior to issuance of an occupancy permit.

IV. ENVIRONMENTAL MITIGATION

Mitigation shall be implemented as identified in the Negative Declaration prepared for the project (PDC06-064). Alternative mitigation may be approved by the Director of Planning based on a finding that the alternative measures reduce the impacts of the project to a non-significant level.

BIOLOGICAL RESOURCES –

Nesting Raptor Mitigation - The following measures are included in the project to avoid significant impacts to nesting raptors during the construction phase:

- A qualified ornithologist shall complete protocol-level, pre-construction surveys for nesting raptors on-site not more than 30 days prior to the onset of ground disturbance or tree removal, if disturbance is to occur during the breeding season (Feb. 1 to Aug. 31). All large trees within 250 feet of the limits of grading will be inspected as construction occurs on the project site.
- If a nesting raptor is detected, an appropriate construction buffer shall be established during the nesting season. Actual size of buffer will be determined by the ornithologist and will depend on species, topography, and type of construction activity that would occur in the vicinity of the nest but would be a minimum of 250 feet.
- A report summarizing the results of the pre-construction survey and subsequent efforts to protect nesting raptors (if found to be present) shall be submitted to the City's Environmental Principal Planner.

HAZARDS AND HAZARDOUS MATERIALS – Hazardous materials could be encountered on the site during site grading and excavation.

Mitigation Measures: The proposed project shall implement the following mitigation measures to reduce impacts associated with subsurface hazardous materials to a less than significant level:

- After building demolition, but prior to project grading, soils in the eastern portion of the site, in the vicinity of the previous church building (165 Stockton Avenue) shall be tested for the presence volatile organic compounds, petroleum hydrocarbons constituents, metals, and pH. If soils containing hazardous materials are encountered at levels above federal, state, and/or local thresholds, they shall be removed and disposed of in accordance with existing regulations that are designed to protect workers and the environment.
- Any underground storage tanks encountered during construction shall be removed according to all federal, state, and local requirements.

Memorandum

TO: Hadasa Lev
Planning and Building

FROM: Michael Liw
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 05/29/07

PLANNING NO.: PDC06-064
DESCRIPTION: Planned Development Rezoning from the CG Commercial General Zoning District to the A(PD) Planned Development District to allow approximately 95,000 square feet of commercial uses on a 2.19 gross acres site.
LOCATION: Northwest corner of The Alameda and Stockton Avenue.
P.W. NUMBER: 3-10081

Public Works received the subject project on 05/11/07 and submits the following comments and requirements.

Project Conditions:

1. **GENERAL:** *The following comments, Item No. 2 through 4, must be addressed at the PD Permit stage.*
2. **Stormwater Runoff Pollution Control Measures:**
 - a) As shown on the plan, the proposed unit is in conflict with on-site curb. Revise plans accordingly.
 - b) Provide inspection and maintenance schedule information on the plan for the proposed unit.
3. **Transportation:** Revise truck-turning analysis for the project's on-site circulation to show no angle points in turning movements. The results of the analysis may affect the project's site plan.
4. **Street Improvements:**
 - a) Revise plans to show existing street trees, park strip and street cross-section for Stockton Avenue. Show existing improvements beyond the property lines on The Alameda and Clinton Place.
 - b) Revise plans to show proposed driveway on Stockton Avenue to be 32' and per CSJ standard details.
 - c) Revise plans to show the proposed sidewalk on Stockton Avenue to be 10' along with 12' park strip.
 - d) Revise plans to remove the proposed second row of street trees behind the sidewalk on Stockton Avenue.

- e) Revise plans to show proposed driveway on Clinton Place to be 26' and per CSJ standard details. The on-site driveway at Clinton Place must maintain a minimum of 26' clear width for 20' (measured from the back of sidewalk).
- f) Revise plans to show construction of 10' attached sidewalk on Clinton Place. A 10' street dedication will be required.
- g) Revise plans to show removal and replacement of handicap ramp at the corner of Clinton Place and Stockton Avenue and at the corner of The Alameda and Stockton Avenue.
- h) The proposed colored concrete circles at the corner of Stockton Avenue and The Alameda is not allowed. Revise plans accordingly.
- i) The proposed improvements near the patio area on The Alameda appear to be within the public right-of-way and in conflict with the existing bus stop. The sidewalk area shall remain consistent with CSJ standards. In addition, any modification to the bus stop area requires coordination and approval from VTA. See Item 4k below.
- j) Revise plans to show removal of cross walk and handicap ramps on The Alameda near the bus stop.
- k) Improvement at the bus stop area on The Alameda may be required. Contact Chris Eichin of VTA at (408) 546-7642 for more information.

Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

- 5. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
- 6. **Transportation:** The Traffic Impact Analysis (TIA) Report has been reviewed for the project. The subject project was found to be in conformance with the City of San Jose Transportation Level of Service Policy (Council Policy 5-3). Refer to the Traffic Memo dated May 24, 2007.
- 7. **Grading/Geology:**
 - a) A grading permit is required prior to the issuance of a Public Works Clearance.
 - b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
 - c) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity.

Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.

- d) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

8. **Flood: Zone D, Portion in Zone AO, Depth 1'**

The project site is within the limits of the Santa Clara Valley Water District's Downtown Guadalupe River Flood Protection Project. Despite the completion of the flood protection improvements, there will still be properties, including this property that will be at risk from flooding. A small portion of the southeast corner of the site is within the 100-year floodplain (*area having a one-percent or greater chance of being flooded in any given year*) and is designated as Zone AO, depth 1'.

- i) Elevate the lowest floor more than 1 foot above the highest existing adjacent grade to the structure or floodproof to the same elevation. For insurance rating purposes, the building's floodproofed design elevation must be at least one foot above the base flood elevation to receive rating credit.
- ii) An Elevation Certificate (FEMA Form 81-31) based on construction drawings is required prior to issuance of a building permit. Consequently, after the improvement is completed, a new Elevation Certificate is required prior to issuance of an occupancy permit.
- iii) Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or protected from flood damage

9. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.

10. **Street Improvements:**

- a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
- b) Remove and replace curb, gutter, and sidewalk along project frontages.
- c) Close unused driveway cut(s).
- d) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
- e) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans. To assist the Applicant in better understanding the potential

cost implications resulting from these requirements, existing pavement conditions can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show all project frontages and property lines. Evaluation will require approximately 20 working days.

11. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project. Based on established criteria, the public improvements associated with this project have been rated high complexity. An additional surcharge of 50% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.
12. **Greater Downtown Area Masterplans:** This project is located within the Greater Downtown area. Public improvements shall conform to the Council approved San Jose Downtown Streetscape and Street and Pedestrian Lighting Master Plans.
13. **Electrical:**
 - a) Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans
 - b) Locate and protect existing electrical conduit in driveway and/or sidewalk construction.
 - c) Provide clearance for electrical equipment from driveways, and relocate driveway or electrolier. The minimum clearance from driveways is 10' in commercial areas.
 - d) Provide clearance for electroliers from overhead utilities and request clearance from utility companies. Clearance from electrolier(s) must provide a minimum of 10' from high voltage lines; 3' from secondary voltage lines; and 1' from communication lines.
 - e) To assist the Applicant in better understanding the potential cost implications resulting from these requirements, the electroliers along the project frontage can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show all project frontages and property lines. Evaluation will require approximately 15 working days.
14. **Street Trees:**
 - a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
 - b) Contact the City Arborist at (408) 277-2756 for the designated street tree.
 - c) Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in park strip and in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings.
 - d) All existing trees that are to be retained or removed should be shown on the plan by species and diameter. Obtain a street tree removal permit for any street trees that are over 6 feet in height that are to be removed.

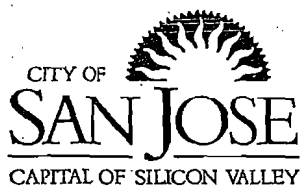
15. **Referrals:** This project should be referred to the California Department of Transportation(CalTrans) and Santa Clara Valley Transportation Authority (VTA).

Please contact the Project Engineer, Mirabel Aguilar, at (408) 535-6822 if you have any questions.



Michael Liw
Senior Civil Engineer
Transportation and Development Services Division

ML:MA:jl
6000_13770359019.DOC



Memorandum

TO: Hadasa Lev
Planning Department

FROM: Mirabel Aguilar
Public Works

SUBJECT: SEE BELOW

DATE: 05/24/07

Approved

Date

SUBJECT: WHOLE FOODS
PW NO. 3-10081 (PDC06-064)

We have completed the review of the traffic analysis for the subject project. The project is proposing construction of 44,000 square feet of commercial uses (Whole Foods) on a 2.19 gross acres site. The proposed development is located at northwest corner of the Alameda and Stockton Avenue. The proposed development is projected to generate a total of 204 a.m. peak hour trips and 419 p.m. peak hour trips. However, after subtracting available credit for the current uses, transit credit and pass-by trips, the addition of new trips to the existing roadways equates to a net increase of 118 a.m. and 336 p.m. peak hour trips.

ACCESS

Regional access to the site is provided by The Alameda, a state route fronting the project and providing direct connection to I880 and indirect connection to Route 87.

Direct access to the site will be provided via two full access driveways: one located on Stockton Avenue and one on Clinton Place with truck access along Stockton Avenue only.

ANALYSIS

Project traffic impacts and transportation level of service (LOS) have been calculated using Traffix, the City of San Jose and the Santa Clara County Congestion Management Program (CMP) approved software.

City of San Jose Methodology: Nine (9) signalized intersections were analyzed for the AM and PM peak commute hours using TRAFFIX and conforming to the City of San Jose Level-Of-Service (LOS) Policy impact criteria. The results indicate that none of the study intersections were significantly impacted with the addition of the project traffic. The results of the analysis are summarized in the attached Table ES-1.

Santa Clara County CMP Methodology: Two (2) signalized intersections were analyzed for the AM and PM peak commute hours using TRAFFIX and conforming to the Congestion

Planning and Building

5/24/2007

Subject: Traffic Analysis for PDC06-064

Page 2

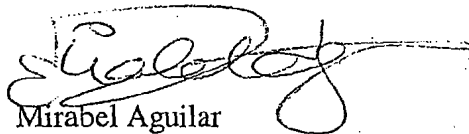
Management Program requirements. The results indicate that all of the intersections meet the CMP LOS standard. The results of the analysis are summarized in the attached Table ES-2.

Freeway Analysis: 12 freeway segments along SR85, I-880, AND I-280 were analyzed for possible freeway impacts. The results of the analysis indicate the project would cause no significant impact on any of the five study segments under the project conditions.

RECOMMENDATION:

The subject project will be in conformance with both the City of San Jose Transportation Level of Service Policy (Council Policy 5-3) and the Santa Clara County Congestion Management Program. Therefore, a determination for a negative declaration can be made with respect to traffic impacts.

If you have any questions, please call me at 636-6822 or Karen Mack at 535-6816.



Mirabel Aguilar

Project Engineer

Transportation and Development Services Division

WP:km

C: Karen Mack
Manuel Pineda, DOT
Traffic Consultant

Table ES-1
Intersection Level of Service Summary

Intersection	Peak Hour	Existing		Background		Project				Future Growth	
		Ave. Delay	LOS	Ave. Delay	LOS	Ave. Delay	LOS	Incr. In Crit. Delay.	Incr. In Crit. V/C	Ave. Delay	LOS
The Alameda and Naglee Av *	AM	42.6	D	43.3	D	43.3	D	0.0	0.00	43.6	D
	PM	35.7	D	39.4	D	39.4	D	0.0	0.01	39.8	D
The Alameda and Julian St	AM	13.9	B	13.8	B	14.0	B	0.3	0.00	---	---
	PM	15.2	B	15.5	B	15.6	B	-0.1	0.00	---	---
The Alameda and Race St *	AM	34.1	C	35.3	D	35.6	D	0.2	0.01	35.7	D
	PM	29.9	C	32.4	C	33.9	C	2.1	0.02	34.5	C
The Alameda and Sunol St	AM	12.9	B	16.0	B	16.7	B	-0.7	0.02	---	---
	PM	10.3	B	14.8	B	16.5	B	2.5	0.06	---	---
The Alameda and Stockton Av	AM	27.2	C	30.8	C	32.2	C	-1.2	0.02	---	---
	PM	16.4	B	21.6	C	22.7	C	1.8	0.06	---	---
Stockton Av and Julian St	AM	24.9	C	25.6	C	25.6	C	0.3	0.01	---	---
	PM	24.7	C	25.3	C	25.8	C	0.6	0.03	---	---
Sunol St and Park Av	AM	7.1	A	7.2	A	7.4	A	0.2	0.01	---	---
	PM	9.9	A	10.0	B	10.4	B	0.4	0.03	---	---
Race St and Park Av	AM	12.1	B	12.3	B	12.3	B	0.1	0.00	---	---
	PM	12.1	B	12.3	B	12.4	B	0.3	0.01	---	---
Race St and San Carlos St	AM	27.7	C	27.8	C	27.8	C	0.1	0.00	---	---
	PM	29.1	C	29.3	C	29.3	C	0.2	0.01	---	---

Notes:

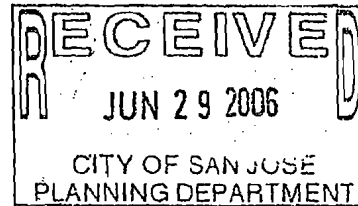
* Denotes a CMP intersection.

Memorandum

DATE: 06/27/06

TO: Erin Morris

FROM: Nadia Naum-Stoian



Re: Plan Review Comments

PLANNING NO: PDC06-064

DESCRIPTION: Planned Development Rezoning from the CG Commercial Zoning District to the A(PD) Planned Development District to allow approximately 137,618 square feet of commercial uses on a 2.19 gross acres site

LOCATION: northwest corner of The Alameda and Stockton Avenue

ADDRESS: northwest corner of The Alameda and Stockton Avenue (155 STOCKTON AV)

FOLDER #: 06 017594 ZN

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

- These comments are based on the following information from drawings dated 6/2/06 by Field Paoli Arch.

Largest building: +/- 44,200 sq. ft.

Construction Type: V N

Occupancy Group: M

Number of stories: 1+ MEZZ.

1. The project plans as submitted, do not comply with the Fire Code. The following are discrepancies noted:


- a) The plans do not indicate that the required fire flow of 4500GPM will be available at the project site. Please ask the applicant to immediately contact Jim Bariteau of San Jose Water Co. at 408-279-7874 to get the water flow information.
- b) The plans do not show location of hydrants. The required fire flow shall be provided through 4 hydrants: A-10853 on Clinton Pl., A-00102 on Stockton Ave., A-11196 & A-11197 on The Alameda.

Access as shown on DP-03 is compliant as long as the following are provided:

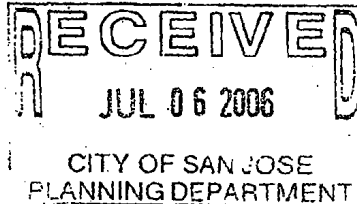
Curbs are required to be painted red and marked as "Fire Lane - No Parking" under the following conditions: (show exact locations on plan)

- i) Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked
 - ii) Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked
2. Please advise the applicant to submit plans to the Fire Department that provide the following information:
- a) Location of fire hydrants. The average distance between hydrants shall not exceed 300 feet.
All fire department connections shall be located within 100 feet from a standard public fire hydrant. The public fire hydrant(s) shall be located on the same frontage as all fire service connections.
 - b) Available fire flow. Provide a copy of the letter from San Jose Water Co. that indicates the water flow available.

Note: The plans shall be submitted to the Fire Department *by appointment only* (call Nadia Naum-Stoian) as soon as possible.



Nadia Naum-Stoian
Fire Protection Engineer
Bureau of Fire Prevention
Fire Department
(408) 535-7699



Memorandum

ENVIRONMENTAL SERVICES DEPARTMENT (ESD)

TO: Erin Morris
Department of Planning,
Building, & Code Enforcement

FROM: Geoff Blair
Environmental Services Department

SUBJECT: Response to Development
Application

DATE: Staff Review Agenda
June 29, 2006

APPROVED: *Geoff Blair* **DATE:** 7-5-06

PLANNING NO.:	PDC06-064
LOCATION:	155 Stockton Avenue. Northwest corner of The Alameda and Stockton Avenue.
DESCRIPTION:	Planned Development Rezoning from the CG Commercial Zoning District to the A(PD) Planned Development District to allow approximately 137,618 square feet of commercial uses on a 2.19 gross acre site.
APN:	26101098

ESD received the subject project and is submitting the following conditions and comments. Questions regarding these comments may be directed to the program contact given or to me at (408) 277-3828.

Stormwater Runoff	San Jose/ Santa Clara Water Pollution Control Plant (Plant)	Source Control	South Bay Water Recycling (SBWR)	Green Building	Integrated Waste Management (IWM)	Water Efficiency
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Stormwater Runoff

Please be aware that effective August 15, 2006, all projects that create or replace 10,000 square feet of impervious surface will be required to hydraulically size their post-construction treatment control measures.

ESD encourages the developer to pursue urban type stormwater treatment measures such as Green Roofs and biofiltration planters.

Integrated Waste Management (IWM)

Commercial, Industrial, and Institutional Buildings

1. The proposed commercial development must follow the requirements for recycling container space¹. When 30 percent or more of the original floor space is added to a new or existing building, provision must be made for the storage and collection of recyclables. Project plans must show the placement of recycling containers, for example, within the details of the solid waste enclosures.

A review of the plans indicate potential access issues with the collection of trash and recyclables. The design of the collection vehicle access should take into account (vertical clearance, street width and turnaround space).

2. It is recommended that scrap construction and demolition debris be recycled instead of disposing of it in a landfill. An infrastructure exists within San Jose to accommodate such recycling efforts. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material. For further information, contact the Commercial Solid Waste Program at (408) 535-3515.

Water Efficiency

Commercial

The proposed development should consider installation of the following water efficient equipment as applicable:

- **High Efficiency Toilets** (1.0 gal/flush) and/or **Dual Flush Toilets** (0.8-1.1 gal/flush for liquids, 1.6 gal/flush for solids) maximize water efficiency. High Efficiency Toilets use at least 20% less water than standard Ultra-Low Flush Toilets (1.6 gal/flush) and Dual Flush Toilets save water by offering two separate flush settings.
- **Electronic Faucets** use a sensor that allows water to flow only when users place their hands adjacent to the faucet. All units comply with mandated flow rates (2.2 gallons per minute), with many offering flow rates as low as 1.5 gallons per minute. Additionally, the replacement of manual hot and cold water valves with an electrically actuated valve eliminates two high-maintenance items from the restroom. Additional benefits can include improved sanitation and perceived cleanliness because of their hands-free operation. Electronic restroom products can also help facilities meet the accessibility requirements of the Americans with Disabilities Act.

Financial incentives may be available for installing various types of residential, commercial, industrial or institutional water efficient appliances or equipment. Contact the Santa Clara Valley Water District for more information and availability.

Call the Santa Clara Valley Water District Water Conservation Hotline at (408) 265-2607 ext 2554 or visit www.valleywater.org

¹ In accordance with the California Public Resources Code, Chapter 18, Articles 1 and 2

Lev, Hadasa

From: Baty, John
Sent: Friday, May 25, 2007 1:57 PM
To: Lev, Hadasa
Subject: FW: Neg Dec

For Whole Foods file...

-----Original Message-----

From: Jeff Rogers [mailto:jeff.rogers@shpna.org]
Sent: Friday, May 25, 2007 1:49 PM
To: Fedor, Denelle
Cc: Helen Chapman; John Baty
Subject: Re: Neg Dec

Hey Denelle:

Yeah, I had a chance to look it over last week, but just didn't take the time to reply. I apologize.

By itself, the impact of the Whole Foods development, as a development, does not rise to the level of great concern. Certainly, the net benefit of that business to the neighborhood is overwhelmingly positive. My concern has to do with the cumulative effect of such developments in the immediate area and the expansion of the downtown core overlay to include Stockton Avenue.

I need to understand just exactly where that boundary will be recognized by Planning and I think we need to talk about how the downtown core standards should apply to Stockton Avenue. I understand that the boundary was expanded to allow for a dense transit-supporting project like the one proposed by Hudson... and I think the neighborhood would be willing to offer that up to the transit gods if the Hudson project is done with community input and taste. However, the other aspects of the core overlay are not appropriate for the street and should not be applied. There is clearly room to meet the city's objective, for the developer to make some money and accomplish the goals of the neighborhood -- we just need to start talking about it.

Tina sent me an email to get that discussion on the calendar. I will get in touch with her and get a date set.

Best,

-->Jeff

On May 25, 2007, at 10:54 AM, Fedor, Denelle wrote:

Hi Jeff,

Just wanted to follow-up regarding the neg dec on line that John Baty referred you to.

5/30/2007

Just want to make sure you were able to access it without problems.

Best,

Denelle Fedor

Director of Public Policy

Councilmember Pierluigi Oliverio

City of San Jose, Council District 6

denelle.fedor@sanjoseca.gov

<http://www.sanjoseca.gov/district6/>

408-535-4952